

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 159 - SB 1608

April 12, 2021

SUMMARY OF ORIGINAL BILL: Prohibits a public agency from requiring an individual or a 501(c) organization to provide personal information or requiring a current or prospective contractor or grantee with the public agency to provide a list of 501(c) organizations to which it has provided financial or nonfinancial support. Prohibits a public agency from disclosing an individual's or a 501(c) organization's personal information. Specifies certain circumstances that personal information may be disclosed, including warrants, requests for discovery in litigation, state agency access for purposes of conducting an audit, subrecipient monitoring, conducting a background check, and conducting an investigation. Requires maintenance of the confidential nature of the personal information.

Authorizes civil action for violations of confidentiality. Authorizes the Comptroller of the Treasury (COT) to have access to personal information for purposes of audit or investigation, but is required to maintain the confidentiality.

Effective October 1, 2021.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENTS (005905, 007032): Amendment 005905 deletes all language after the enacting clause.

Prohibits a public agency from requiring an individual or a 501(c) organization from providing personal information or requiring a current or prospective contractor or grantee with the public agency to provide a list of 501(c) organizations to which it has provided financial or nonfinancial support. Prohibits a public agency from disclosing an individual's or a 501(c) organization's personal information.

Specifies certain circumstances that personal information may be disclosed. Requires maintenance of the confidential nature of the personal information. Authorizes the Comptroller of the Treasury (COT) to have access to personal information for purposes of audit or investigation, but is required to maintain the confidentiality. Specifies that violations are not applicable to institutions of higher education.

Creates a Class B misdemeanor offense for knowingly violating the above provisions.

Effective October 1, 2021.

Amendment 007032 adds language to the bill as amended by amendment 005905 to establish that this Act does not apply to national securities associations or any information such associations provided to the Commissioner of the Department of Commerce and Insurance.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The proposed legislation would make personal individual information and 501(c) personal information, including any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, or volunteer of, or donor of financial or nonfinancial support confidential except in specific instances.
- This does not include information that a state agency would require for purposes of audit, investigation, subrecipient monitoring, or conducting a background check.
- Any increase in caseloads to trial courts can be accommodated within existing resources without an increased appropriation or reduced reversion.
- There will not be a sufficient number of Class B misdemeanor prosecutions for state or local government to experience any significant increase in revenue or expenditures.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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